HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

Writ Petition Nos.12535, 13416, 14894 of 2005 and 185 of 2006

-

Takenup Writ Petition No.12535 of 2005

Between:

N.Giri Kumar, Nellore

..... Petitioner

AND

Government of Andhra Pradesh,

Represented by its Secretary to Government,

Education Department, Secretariat,

Hyderabad and two others.

.....Respondents

Counsel for the Petitioner : none

Counsel for Respondents : Government Pleader for Education

Amicus Curiae : Sri K.G.Kannabhiran

Writ Petition No.13416 of 2005

-

Between:

Sri Veera Reddy Memorial Educational Society,

(Regn.No.527 of 2003) rep. By its General Secretary,

Mr.V.Anji Reddy.

..... Petitioner

AND

Government of Andhra Pradesh,

Represented by its Principal Secretary,

Ministry of Higher Education,

Secretariat Building,

Hyderabad and 4 others.

.....Respondents

Counsel for the Petitioner : Sri N.Raghavacharyulu
Counsel for Respondent Nos.1 and 2 : Government Pleader for Higher Education
Counsel for Respondent No.3 : Sri C.Sudesh Anand
Counsel for Respondent No.4 : Sri B.Adinarayana Rao
Counsel for Respondent No.5 : Sri C.Masthan Naidu

Writ Petition No.14894 of 2005

Between:

Krishnaveni Educational Society,

Warangal District (Regd.No.194/95),

Represented by its General Secretary Sri K.Srinivasaraju.

..... Petitioner

AND

Government of Andhra Pradesh,

Represented by its Principal Secretary,

Higher Education Department, Secretariat,

Hyderabad and 11 others.

.....Respondents

Counsel for the Petitioner : Sri G.Allabaksh
Counsel for Respondent Nos.1 & 3: Government Pleader for Higher Education

Counsel for Respondent No.2 : Sri Sudesh Anand

Counsel for Respondent No.4 : Sri A.Charyulu
Counsel for Respondent No.5 : Sri K.Ratangapani Reddy
Counsel for Respondent No.6 : Sri Nooty Ram Mohan Rao
Counsel for Respondent No.7 : Sri S.V.Bhatt'
Counsel for Respondent No.8 : Sri Venkateshwar Rao Gudapati
Counsel for Respondent No.9 : Sri Venkat Reddy
Counsel for Respondent No.10 : none
Counsel for Respondent No.11 : Sri Vinodkumar Deshpande
Counsel for Respondent No.12 : Sri Rupendra Mahendra

Writ Petition No.185 of 2006

Between:

Kakathiya Educational Society,

Lemalle, Amaravathi Mandal, Guntur District,

Rep by its Secretary Sambasivarao N.

..... Petitioner

AND

Government of Andhra Pradesh,

Represented by its Principal Secretary,

Education (Higher Education) Department,

Secretariat, Hyderabad and 14 others.

.....Respondents

::ORDER::

Counsel for the Petitioner : Sri Ugra Narasimnha

Counsel for Respondents 1 & 3 : Government Pleader for Higher Education

Counsel for Respondent No.2 : Sri Sudesh Anand

Counsel for Respondent No.4 : Sri A.Charyadevi

Counsel for Respondent No.5 : Sri K.Ratangapani Reddy

Counsel for Respondent No.6 : Sri Nooty Ram Mohan Rao

Counsel for Respondent Nos.7 to 15 : None

Dated 3/4/2006

Per Sri G.S.Singhvi, CJ

In these petitions, some of which have been styled as 'public interest litigation', advertisements got published by different educational institutions and training institutes have been brought to the notice of the Court with a prayer that a direction be issued to the concerned authorities to register cases under Section 7 of the Andhra Pradesh Public Examinations (Prevention of Malpractices and Unfair Means) Act, 1997 (for short 'the Act') against false and misleading publications.

During the pendency of the writ petitions, the Court had taken cognizance of the statement made by the learned Government Pleader that the State Government is proposing to amend the 1997 Act and passed order dated 20.12.2005 which reads as under:

> "Learned Government Pleaders states that the State Government is proposing to amend the Andhra Pradesh Public Examinations (Prevention of Malpractices and Unfair Means) Act, 1997 (for short 'the Act').
>
> Without commenting on the desirability or necessity of amendment of the existing Act, we are of the view that Section 7 of the Act is comprehensive and the purpose sought to be achieved by this public interest litigation will be adequately served by framing appropriate rules for giving effect to the provisions of existing Section 7 of the Act.
>
> During the course of hearing, we enquired from the learned Government Pleader, whether criminal cases have been registered against the institutions, which have violated the provisions of Section 7 of the Act. In reply, she gave out that so far criminal cases have not been registered.
>
> In our opinion, the authority concerned of the Department should have been vigilant and should have registered appropriate criminal cases against the persons and the institutions who have acted fragrant disregard of prohibition contained in Section 7 of the Act. Let the authority concerned lodge FIR against the culprits within a period of 48 hours from today.
>
> The Police Officer concerned should complete the

investigation within next one month and a comprehensive report be submitted before the Court on 27.1.2006.

List the case on 27.1.2006."

In furtherance of the aforementioned direction, the concerned authorities registered some cases under Section 7 of the Act. We are informed by the Government Pleader that the charge sheets are filed against those who have been found prima facie guilty of issuing advertisements in violation of Section 7 of the Act.

Sri Kannabhiran, learned senior counsel appearing as Amicus says that after issuance of interim directions by the Court, the spate of misleading advertisements has stopped, but submitted that once the matters are disposed of, unscrupulous elements may again issue similar misleading advertisements that would be highly detrimental to the student community.

We appreciate the apprehension expressed by the learned Amicus but we have no doubt that the departmental authorities who have already become alive to the gravity of the situation and the harm likely to be caused to the student community on account of publication of misleading advertisements, will take necessary steps to stop this evil and there is no necessity for issuing further directions in the matter or keeping these petition pending.

Hence the writ petitions are disposed of with the direction that the official respondents or public spirited persons who are interested in stopping the menace of misleading and false advertisements being issued by educational institutions and training institutes may file miscellaneous application to bring to the notice of the Court any misleading publication, which may be issued in future by any educational institution (public or private or coaching or training centers) so as to enable the Court to pass further appropriate orders.

G.S.SINGHVI, CJ

Dt.3/4/2006

G.BHAVANI PRASAD,J

msv